



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: Rana v Tweedle, 2023 ONLTB 24023

Date: 2023-03-07

File Number: LTB-L-003240-23

In the matter of: 7428 Petruzzo Court
Niagara Falls ON L2H2K4

Between: Monica Rana and Sanjay Rana Landlords

And

Chantel Tweedle and Timothy Smith Tenants

Monica Rana and Sanjay Rana (the 'Landlords') applied for an order to terminate the tenancy and evict Chantel Tweedle and Timothy Smith (the 'Tenants') and for an order to have the Tenants pay compensation for an unpaid water and sewer bill they owe because the Tenants did not meet a condition specified in the order issued by the LTB on November 4, 2022 with respect to application SOL-14396-20.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlords can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following condition specified in the order:

The Tenants failed to pay to the Landlords \$62.00 for the water and sewer bill.

3. The previous application includes a request for an order for compensation for the unpaid utility bills and the order requires the Tenants to pay that amount. Accordingly, the Landlords are entitled to request an order for compensation.
4. The Tenants were required to pay \$62.00 for an outstanding bill and the application filing fee in the previous order. The amount that is still owing from that order is \$62.00 and that amount is included in this order. This order replaces order SOL-14396-20.
5. The Landlords collected a rent deposit of \$2,000.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from November 9, 2022 to March 7, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants is required to pay.
8. The Landlords are entitled to daily compensation from the day after this order is issued to the date the Tenants move out of the unit at a daily rate of \$65.75. This amount is calculated as follows: \$2,000.00 x 12, divided by 365 days.

It is ordered that:

1. Order SOL-14396-20 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before March 18, 2023.
3. If the unit is not vacated on or before March 18, 2023, then starting March 19, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after March 19, 2023.
5. As of the date of this order, the amount of the rent deposit and interest the Landlords owes on the rent deposit exceeds the compensation for damage the Landlords are entitled to by \$1,950.53*.
6. However, the Landlords are authorized to deduct the following from the amount the Landlords owe the Tenants: \$65.75 per day for compensation for the use of the unit starting March 8, 2023 to the date the Tenants move out of the unit.
7. The Landlords or the Tenants shall pay to the other any sum of money that is owed as a result of this order.

March 7, 2023

Date Issued

Amanda Kovats

Member, Landlords and Tenants Board

15 Grosvenor Street, Ground Floor,
Toronto ON M7A 2G6

The Tenants have until March 17, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by March 17, 2023 the order will be stayed and the LTB will schedule a hearing.

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 19, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

* Refer to the attached Summary of Calculations.

Summary of Calculation

Amount the Tenants must pay the Landlords:

Reason for amount owing	Period	Amount
Amount of compensation for damages owing from previous order		\$62.00
Less the rent deposit:		-\$2,000.00
Less the interest owing on the rent deposit	November 9, 2022 to March 7, 2023	-\$12.53
Plus daily compensation owing for each day of occupation starting March 8, 2023		\$65.75 (per day)
Total the Tenants must pay the Landlords:		- \$1,950.53 +\$65.75 per day starting March 8, 2023

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